

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-13 are pending in this application. Claims 1-13 are amended by the present amendment. No new matter is added.

In the outstanding Office Action, dated April 2, 2009, the specification was objected to; Claims 1-5, 7, 10, and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Liu (U.S. Publication 2005/0046765, hereinafter "Liu"); Claims 6, 8, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu; and Claims 11 and 12 were indicated as allowable if rewritten in independent form.

Applicants acknowledge with appreciation the indication of allowability of Claims 11 and 12.

Regarding the rejection to the specification, the specification is amended. Accordingly, Applicants respectfully request the objection to the specification be withdrawn.

Applicants respectfully traverse the rejection of Claims 1-5, 7, 10, and 13 under 35 U.S.C. § 102(e) as anticipated by Liu.

The present application claims priority from Japanese Patent Application No. 2004-037028, filed February 13, 2004. In accordance with 37 C.F.R. § 1.55(a)(4), enclosed please find an English translation of this application, along with the statement that the translation of the priority document is accurate. It is respectfully submitted that the enclosed documents perfect Applicants' claim of priority to Japanese Patent Application No. 2004-037028 under 35 U.S.C. § 119. The filing date of Japanese Patent Application No. 2004-037028, February 13, 2004, is earlier than the publication date of Liu (i.e., March 16, 2005).

Therefore, Liu does not qualify as prior art with respect to the present application under 35 U.S.C. § 102. As all the rejections of record rely on Liu, it is respectfully submitted that these rejections be withdrawn.

Since Applicants have not amended the claims in response to any substantive rejection on the merits, it is respectfully submitted that any further rejection of these claims based on newly cited prior art in the next communication ***cannot properly be considered a Final Office Action.***

Consequently, in light of the above discussion, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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